

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

December 13, 2000

DIVISION ONE

B125015 Phase 2 Developers Corporation (Not for Publication)
B137193 v.
 Citicorp Real Estate, Inc., et al.

The judgment is reversed. Each party to bear their own costs.

Mallano, J.

I concur: Spencer, P.J.
I dissent: Vogel (Miriam A.), J. (Opinion)

DIVISION TWO

B140762 People (Not for Publication)
 v.
 Tubbs

The Court:

The judgment is affirmed.

Boren, P.J., Nott, J., Cooper, J.

B133362 People (Not for Publication)
 v.
 Guzman

The judgment is affirmed.

Cooper, J.

We concur: Boren, P.J.
 Nott, J.

DIVISION THREE

Court convened at 9:30 A.M.

Present: Klein, P.J., Kitching, J., Aldrich, J., Perluss, J. (Assigned) and Valorie Gray, Deputy Clerk.

Each of the following:

B141448 Children & Family Services v. Joseph R.
B141246 Children & Family Services v. Divendra S.
B136255 People v. Ramos
B132655 People v. Tapp
B144679 Ruperto I. v. S.C.L.A.
B139863 People v. Porcaro

Argument waived, cause submitted.

B144625 Thompson
v.
Superior Court, Los Angeles County
(People of the State of California, r.p.i.)

Merits:
Argued by Alex Ricciardulli, deputy public defender, for petitioner and by Linda Puentes, deputy district attorney, for real party in interest. Cause submitted.

B131415 Cendejas
v.
County of Los Angeles et al.

Merits:
Argued by Gilbert D. Sigala for appellants and by Daniel Barer for respondents. Cause submitted.

DIVISION THREE (Continued)

B140917 Children and Family Services
v.
Superior Court, Los Angeles County
(Valerie A., r.p.i.)

Merits:

Argued by Jill Regal, deputy county counsel, for petitioner and by David Estep for minors. Cause submitted.

Court adjourned at 10:50 A.M.

B134661 People (Not for Publication)
v.
Augustin Perez Garcia

The judgment is modified to award Garcia 62 days of good time/work time credits, and a total of 188 precommitment custody credits. The clerk of the superior court is ordered upon issuance of the remittitur to correct the abstract of judgment to reflect the award of credits and to forward a copy of the corrected abstract to the Department of Corrections. In all other respects, the judgment is affirmed.

Kitching, J.

We concur: Croskey, Acting P.J.
Aldrich, J.

B139222 People (Not for Publication)
v.
Marco Antonio Rodriguez

The judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.
Aldrich, J.

December 13, 2000-Continued

DIVISION THREE (Continued)

B137021 People (Not for Publication)
v.
Frederick G. Grayson

The judgment in superior court case number BA173661 is modified by striking the \$250 Penal Code section 1202.4 restitution fine imposed on November 15, 1999. The judgment is further modified by reducing to \$200 the \$250 Penal Code section 1202.45 parole revocation fine. The clerk of the superior court is ordered upon issuance of the remittitur to correct the abstract of judgment to reflect the proper fines and to forward a copy to the Department of Corrections. In all other respects, the judgment is affirmed. The judgment in superior court case number BA180949 is affirmed.

Kitching, J.

We concur: Klein, P.J.
Aldrich, J.

B136234 People (Not for Publication)
v.
Albert Evans

The judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.
Croskey, J.

B131042 People (Not for Publication)
v.
Ramon Hector Garcia

The judgment is affirmed.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

December 13, 2000-Continued

DIVISION THREE (Continued)

B136224 People (Not for Publication)
v.
George Ivan Anderson

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

DIVISION FOUR

B143294 People (Not for Publication)
v.
Crawford

The judgment is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

B137416 People (Not for Publication)
v.
Espinoza

The sentence is reversed and the matter remanded with directions to vacate the strike finding based on appellant's prior conviction under section 246.3 and for such further proceedings as appropriate. In all other respects, the judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

DIVISION FOUR (Continued)

B138731 Los Angeles County, D.C.F.S.
 v.
 Warren W.

Filed order denying petition for rehearing.

DIVISION FIVE

B134922 Dennis Massa (Not for Publication)
 v.
 Golden Eagle Maintenance

The judgment is affirmed. Respondent(s) to recover costs.

Godoy Perez, J.

We concur: Turner, P.J.
 Grignon, J.

B136194 Goldstein's Bagel Bakery, Inc. (Not for Publication)
 v.
 Omni Angeles Hotel & Centre

The appeal is dismissed. Respondent(s) to recover costs.

Godoy Perez, J.

We concur: Turner, P.J.
 Grignon, J.

B137644 Myron Rosenbach (Not for Publication)
 v.
 David Silberstein et al.

The judgment is affirmed. Respondent is to recover costs on appeal.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

DIVISION SIX

Court convened at 9:00 A.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Deputy Clerk.

B138302 Buena Vista Mines, Inc.
v.
Industrial Indemnity Company

Argument continued to January, 2001.

B136968 Berardinelli
v.
Bradshaw

Merits:

Argued by Daniel D. Dydzak for appellant and by Richard M. Koep for respondent. Cause submitted.

B137084 Tognazzini
v.
San Luis Coastal Unified School District

Merits:

Argued by Craig A. Davis for appellant and by John Hodges for respondent. Cause submitted.

B129735 People
v.
Garfel

Merits:

Argued by Richard M. Doctoroff for appellant and argument waived by respondent. Cause submitted.

DIVISION SIX (Continued)

B144207 Daniel L. / Maria L.
 v.
 Ventura County Superior Court
 (Human Services Agency, r.p.i.)

Extraordinary Writ:

Presented by Mary Sullivan for petitioner Daniel L., by Carlos J. Najera for appellant Maria L. and by Joseph J. Randazzo, assistant county counsel, for real party in interest Human Services Agency. Counsel waive any objection to Justice Perren participating in this matter. Cause submitted.

B132321 Shiflett
 v.
 George

Merits:

Argued by Carol D. Janssen for cross-appellant George and by Michael R. Jencks for cross-respondent Shiflett. Cause submitted.

Yegan, J. left the bench.

B132749 H.S. Hubschrauberservice
 v.
 California Airmotive Group, Inc.

Merits:

Argued by Francesca M. Bannerman for appellants and by Anjani Mandavia for respondent. Cause submitted.

Court recessed at 10:50 A.M.

Court reconvened at 1:30 P.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Deputy Clerk.

DIVISION SIX (Continued)

B144419 Sandra C.
v.
San Luis Obispo County Superior Court

Presentation waived, cause submitted.

B140020 Muniozguren
v.
Department of Motor Vehicles

Appearances:
Ronald A. Jackson for appellant and by Jack T. Kerry, deputy attorney general, for respondent. Argument waived, cause submitted.

B140526 Lou-Laub
v.
Laub

Appearances:
C. Richard Whiston for appellant and by Herb Fox for respondent. Argument waived, cause submitted.

B142024 Solovij
v.
Department of Motor Vehicles

Merits:
Argued by Zachary D. Wechsler, deputy attorney general, for appellant and by Ronald A. Jackson for respondent. Cause submitted.

B139735 Mad Dog Enterprises
v.
Ventura County Board of Supervisors

Merits:
Argued by Kirk J. Grossman for appellants and by Linda K. Ash, assistant county counsel, for respondents. Cause submitted.

December 13, 2000-Continued

DIVISION SIX (Continued)

B141287 D.C. Services, Inc.
v.
Olsen

Merits:

Argued by Randolph K. Vahan for appellants and by Colette Jolicoeur for respondent. Cause submitted.

Perren, J. left the bench.

B141642 Morales
v.
Port-A-Stor

Merits:

Argued by John Leigh Simonson for appellant and by Joseph Geri for respondents. Cause submitted.

Court adjourned at 3:05 P.M.

DIVISION SEVEN

B129853 Chen (Not for Publication)
v.
Mercedes-Benz of North America, Inc., et al.

The judgment is modified to reduce the compensatory award to \$121,037 and the penalty to \$242,075, to eliminate prejudgment interest on the penalty, and to reduce the prejudgment interest on the compensatory damages consistent with the reduction of the award (on remand prejudgment interest shall be recomputed based on the reduced compensatory award). In all other respects the judgment is affirmed. Dr. Chen shall recover his costs on appeal.

Neal, J.

We concur: Johnson, Acting P.J.
Woods, J.

December 13, 2000-Continued

DIVISION SEVEN (Continued)

B138915 McNeil, Jr. (Not for Publication)
v.
State of California

The judgment is affirmed. Each party shall bear its costs incurred on appeal.

Woods, J.

We concur: Lillie, P.J.
 Johnson, J.

B139182 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Dianna H.
In re Shariah H., a Person Coming Under the Juvenile Court Law.

The orders are affirmed.

Woods, J.

We concur: Johnson, Acting P.J.
 Neal, J.

B138410 People (Not for Publication)
v.
Gonzales

The judgment and sentence are affirmed.

Woods, J.

We concur: Johnson, Acting P.J.
Neal, J.

DIVISION SEVEN (Continued)

B135479 Prewitt
 v.
 Commonwealth Land Title Insurance Company

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)